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**Notice of Allowability**

Application No.

10/802,091

Examiner

Ghassem Alie

Applicant(s)

MAES, ROGER V.

Art Unit

3724

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/26/06.
2. ☒ The allowed claim(s) is/are 14-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

*Reasons for Allowance*

1. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the index plate is pivotally secured to the top face of the base plate adjacent the second end of the base plate and the power saw is pivotally mounted to a mounting member so the saw is movable in a downward cutting arc as set forth in claim 14.

Regarding claim 14, Lindheim (2,876,808) teaches a portable saw assembly for use with a power saw. Lindheim also teaches an elongated, generally planar base plate 22 having a first end and a second end, a top face, a bottom face and front and side edges. Lindheim also teaches a mounting member 20 secured to the bottom face of the base plate adjacent the first end. Lindheim also teaches that the mounting member is projecting downwardly to permit securing the mounting member in a vertical orientation in a vise. Lindheim also teaches that the base is both cantilevered from the vise and oriented generally horizontally. Lindheim also teaches that the workpiece to be cut is oriented generally parallel to the front edge. Lindheim also teaches an index plate secured to the top face of the base plate, a saw mounting member secured to the top face of the index plate, and a power saw mounted to the saw mounting member. See Figs. 1-3 in Lindheim.

Lindheim fails to teach that the index plate is pivotally secured to the top face of the base plate adjacent the second end of the base plate and the power saw is pivotally mounted to a mounting member so the saw is movable in a downward cutting arc as set forth in claim 14.

Art Unit: 3724

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leberfinger (2006/0090620), Drzewiecki (5,269,340), Denyer (1,855,945), Camacho (3,757,628), Stojanovski (6,708,422), Posont (6,752,059), Mascheimer (4,901,444), Forsberg (2,734,455), Stocker (3,645,307), Mitchell (4,779,503), Peel (4,215,612), Deley (4,587,875), and Lanzer (5,791,223) teach a portable vise and saw combination.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

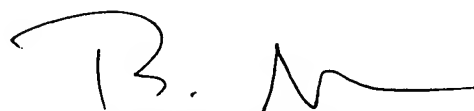
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information

Art Unit: 3724

for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA/ga

August 10, 2006



**BOYER D. ASHLEY**  
**SUPERVISORY PATENT EXAMINER**